**GOVERNMENT OF ANDHRA PRADESH**
**ABSTRACT**

PS-PR&RD Deptt., - Disciplinary action initiated against Sri P.A. Vara Prasad, former Senior Assistant, (Retired) MPP Maredumilli, East Godavari District for withdrawal of the Govt., funds from banks illegally –Placed under suspension - Enquiry conducted - Further action dropped – Suspension and dismissal periods are regularized as "Not on duty" – High Court set aside the G.O.Rt.No.1129, PR&RD (Vig.I) Deptt., Dt.15.12.2014 - Implementation of the orders of the Hon'ble Andhra Pradesh High Court in WP No.36497/2018 – Orders – Issued.

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**PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.I) DEPARTMENT**

**G.O.Rt.No.159,** **Dated.16.03.2020.**

Read the following:-

1. Procgs.Rc.No.D2/4006/97-1, dt.6.8.97 of CEO, ZP, Kakinada.
2. Procgs.No.12859/CPR&RE/E1/98, dt.4.8.99 of CPR&RE, Hyd.,
3. G.O.Rt.No.443, PR&RD (VS.I) Deptt., dt.23.02.2004.
4. G.O.Rt.No.795, PR&RD (Vig.II) Deptt., dt.31.5.2008.
5. Govt.Memo No.15811/Vig.II/2008-2, dt.11.7.2008.
6. G.O.Rt.No.1958, PR&RD (Vig.II) Deptt., dt.29.10.2012.
7. Repr. of Sri PA Varaprasad, former Sr. Asst., (Retired), dt.20.11.2012.
8. G.O.Rt.No.1129, PR&RD (Vig.I) Department, Dt.15.12.2014.
9. Procgs.No.D2/4006-1/1997, Dt.18.11.2014 of CEO, ZPP, East Godavari District.
10. Govt.Memo.No.10611/Vig.I/2018, PR&RD (Vig.I) Department, Dt.25.02.2015.
11. Order in OA No.111/2015 filed by Sri PA Vara Prasad, Sr. Asst. (Retd), Dt.07.09.2018, Hon'ble APAT, Hyderabad.
12. Govt.Memo.No.10611/Vig.I/2018, PR&RD (Vig.I) Department, Dt.22.11.2018.
13. Order in WP No.36497/2018 filed by Sri PA Vara Prasad, Sr. Asst. (Retd), Dt.21.12.2018 of Hon'ble APHC, Hyd.

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**ORDER:-**

In the reference 1st read above, the Chief Executive Officer, Zilla Parishad, Kakinada, East Godavari District, placed Sri P.A.Vara Prasad, Senior Assistant, MPP Maredumilli, East Godavari District under suspension for illegal withdrawal of the Govt., funds from banks. Subsequently, the individual was reinstated into service pending finalization of disciplinary proceedings by the Commissioner of Panchayat Raj & Rural Employment, Hyderabad, vide reference 2nd read above.

2. The case was got inquire into by the Commissioner of Inquiries and based on the findings of the Inquiring Authority report dt: 10.3.2000, Government in the reference 3rd read above dismissed Sri P.A.Vara Prasad, Senior Assistant, from service. Aggrieved by said orders, the individual filed OA No.3044/04 before Hon'ble Andhra Pradesh Administrative Tribunal. The Hon'ble Andhra Pradesh Administrative Tribunal pronounced judgment, dt.3.5.2007 in OA.No.3044/04 and set aside the dismissal orders and directed to frame fresh charges. Accordingly, the individual was placed under deemed suspension vide reference 4th read above and fresh charges have been framed against him for conducting detailed enquiry, vide reference 5th read above.

3. After following due procedure, the case was entrusted to the Commissionerate of Inquiries for conducting inquiry against the charged officer and two other co-accused in the case. The Inquiring Authority submitted inquiry report

dt: 19.07.2012 and held that charge not held proved against the above charged officer. Based on the findings, Government, dropped further action against Sri P.A. Varaprasad, former Senior Assistant, MPP Maredumilli, East Godavari District, in the reference 6th read above.

4. In the reference 7th read above, Sri P.A.Varaprasad, former Senior Assistant, (Retired) MPP Maredumilli, East Godavari District requested to treat the suspension and dismissal periods as spent on duty for all purposes.

5. Government after examining the matter and issued orders treating the suspension period of the above individual from 14.08.1997 to 09.09.1999 and dismissal period from 24.04.2004 to 30.09.2012 as "Not on Duty, as per the provisions under FR.54-(B)(7) and if the individual desires it can be converted into leave due/ EOL and eligible to him for the purpose of notional increments and pension as per G.O.Ms.No.307, Finance (FR.II) Department, dt.3.12.2012, vide reference 8th read above,.

6. In the meanwhile, the Chief Executive Officer, ZPP, East Godavari District, issued orders in respect of the above individual regularizing the suspension period from 14.08.1997 to 09.09.1999 and dismissal period from 24.04.2004 to 30.09.2012 as "on duty" for all purposes vide reference 9th read above, when the case is under examination at Govt. level.

7. Aggrieved by the order in the reference 8th read above, Sri PA Varaprasad, Senior Assistant, (Retired) filed O.A.No.111/2015 before Hon'ble APAT. The APAT in its orders dt: 07.09.2018 dismissed the O.A. vide reference 11th read above.

8. Aggrieved by the above orders of APAT, Sri P.Augustine Vara Prasad, Senior Assistant has filed WP.No.36497/2018 before Hon'ble AP High Court with a request to set aside the final orders in OA No.111/2015, dated.07.09.2018 and G.O.Rt.No.1129, PR&RD (Vig.I) Department, Dt.15.12.2014, and to implement the Proceedings Rc.No.D2/4006-1/1997, dated.18.11.2014 of the 2nd respondent viz., Chief Executive Officer, ZPP, East Godavari District and Proceedings Rc.No.A44/2008/2014-15, Dt.22.12.2014 of Mandal Parishad Development Officer, MPP, Tuni, EG District and revise the pension.

9. In the reference 13th read above, the Hon'ble A.P. High Court have pronounced judgment in above WP No.36497/2018 and allowed the W.P and set aside the G.O.Rt.No.1129, dated.15.12.2014. The Hon'ble High Court further held that the authorities shall abide by and act upon the proceedings, dated.18.11.2014 of the Chief Executive Officer, Zilla Praja Parishad, East Godavari District, and the consequential proceedings, dated.22.12.2014 of the Mandal Parishad Development Officer, Mandal Praja Parishad, Tuni. Payments due to the petitioner-applicant in terms thereof, if any, shall be remitted to him expeditiously and in any event, not later than six weeks from the date of receipt of a copy of this order".

10. Government, after careful examination of the matter have decided and accordingly hereby implement the orders of Hon'ble Andhra Pradesh High Court, Dt.21.12.2018 in WP No.36497/2018 filed by Sri PA Vara Prasad, Senior Assistant (Retd) in the matter.

11. The Commissioner, Panchayat Raj & Rural Development, Andhra Pradesh, Vijayawada / Chief Executive Officer, ZPP, East Godavari Dist shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARYTO GOVERNMENT (PR&RD)

To
The Commissioner of Panchayat Raj & Rural Development, Vijayawada.
The Chief Executive Officer, Zilla Praja Parishad, Kakinada, East Godavari District.
Sri P.A.Varaprasad, former Senior Assistant, (Retired) MPP Maredumilli, East Godavari District through the Commissioner of Panchayat Raj & Rural Employment, Tadepalli, Guntur District.

Copy to:
The Engineer in Chief, Panchayat Raj, Vijayawada.,
The District Treasury Officer, East Godavari District.
The Accountant General, Andhra Pradesh, Hyderabad.
The Director, State Audit, A.P., Ibrahimpatnam, Krishna District.
The OSD to M(PR&RD).
The PS to Prl. Secy.(PR&RD).
Sf/Sc

//FORWARDED::BY::ORDER//

SECTION OFFICER